

FORM PTO-1390
(REV 3/2001)

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: July 27, 2004

EXPRESS MAIL LABEL NO.
EV 351246213 USATTORNEY DOCKET NO.
45923/DBPU.S. APPLICATION NO.
09/980,606INTERNATIONAL APPLICATION NO.
PCT/JP01/02073INTERNATIONAL FILING DATE
March 15, 2001PRIORITY DATE CLAIMED
March 15, 2000

TITLE OF INVENTION

OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN OUTPUT LIGHT MONITOR

APPLICANT(S) FOR DO/EO/US


Manabu Yamada; Tokuichi Miyazaki; Tokutaka Hara

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/LUS).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 13 to 20 below concern document(s) or other information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ **SMALL ENTITY** Assertion: Applicant(s) and any other associated with it/them under 37 CFR § 1.27(a) are a small entity.
20. ☒ Certificate of Mailing by Express Mail.
21. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/980,606		INTERNATIONAL APPLICATION NO. PCT/JP01/02073		ATTORNEY DOCKET NO. 45923/DBP	
22. The following fees are submitted: <div style="margin-top: 10px;"> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO: \$1,080.00 </div> <div style="margin-top: 10px;"> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 </div> <div style="margin-top: 10px;"> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 </div> <div style="margin-top: 10px;"> <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 </div> <div style="margin-top: 10px;"> <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 </div>				CALCULATIONS	PTO USE ONLY
ENTER APPROPRIATE BASIC FEE AMOUNT = \$					
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20=		X \$18	\$	
Independent Claims	-3=		X \$86	\$	
Multiple dependent claim(s) (if applicable)			+ \$290	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
Note (1): The basic national fee must be paid when filing this application. The 20-month time limit (37 CFR § 1.494) and 30-month time limit (37 CFR § 1.495) are not extendable.				Amount to be:	\$
				Refunded	
				charged	\$
<input checked="" type="checkbox"/> A check in the amount of \$ ___ to cover the above fees is enclosed.					
<input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1728. A duplicate copy of this sheet is enclosed.					
NOTE (2): Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: CUSTOMER NUMBER 23363					
D. Bruce Prout CHRISTIE, PARKER & HALE P.O. Box 7068 Pasadena, CA 91109-7068					
By  D. Bruce Prout Reg. No. 20,958					

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No. EV 351246213US

Applicant : Manabu Yamada, et al.
Application No. : 09/980,606
Filed : November 15, 2001
Title : OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN
OUTPUT LIGHT MONITOR

Grp./Div. : N/A
Examiner : N/A

Docket No. : 45923/DBP/A400

INFORMATION DISCLOSURE STATEMENT AND
CERTIFICATION UNDER § 1.97(e)(1)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
July 27, 2004

Commissioner:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§ 609 and 707.05(b), enclosed is FORM PTO/SB/08A/B with a listing of references that are known to applicant. Copies of each of the listed references are enclosed.

It is respectfully requested that these references be considered in the examination of this application and identified on the list of references cited on the patent issuing on this application. Applicant also requests that an initialed copy of said FORM PTO/SB/08A/B be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

Applicant's undersigned attorney hereby certifies, in accordance 37 CFR § 1.97(e)(1), that each item of information contained in the information disclosure statement was first cited in any

Application No. 09/980,606

communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

D. Bruce Prout

Reg. No. 20,958

626/795-9900

DBP/djp

Enclosures: PTO/SB/08A/B w/references

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INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

Attorney Docket Number

923/DBP/A400

Application Number

09/980,606

Filing Date

November 15, 2001

Applicant(s)

Manabu Yamada, et al.

Group Art Unit

N/A

Examiner Name

N/A

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	Cite No. ¹	DOCUMENT NUMBER Number - Kind Code ² (If Known)	PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE
		4,340,272	07-20-1982	Papuchon et al

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶ (✓)
		JP2-291518	12-03-1990	Fujita Sadao et al	w/English Patent Abstracts of Japan
		JP55-134818	10-21-1980	Papuchon et al	See US counterpart 4,340,272 above
		JP55-59785	05-06-1980	Terai Seiji et al	w/English Patent Abstracts of Japan
		JP55-126208	09-29-1980	Furuta Yosuke et al	w/English Patent Abstracts of Japan

OTHER DOCUMENTS

EXAMINER INITIALS	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

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EXAMINER SIGNATURE		DATE CONSIDERED	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³ Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.			

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE